

U.S. Army Corps of Engineers - Charleston District
Checklist for 2007 Nationwide Permit Review
Nationwide Permit 39

Commercial, and Institutional Developments
(10/404)

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the proposal for the discharge of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, for the construction or expansion of commercial, and/or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures?

☐ Yes* ☐ No
2. Does the discharge cause the loss of greater than 1/2 acre of non-tidal waters of the U.S., including non-tidal wetlands?

☐ Yes ☐ No
5. Is the discharge proposed in designated critical resource waters or their adjacent wetlands?

☐ Yes ☐ No
6. Is the discharge for construction of new golf courses, new ski areas, or oil or gas wells?

☐ Yes ☐ No
7. Does the discharge cause the loss of more than 300 linear feet of streambed?

☐ Yes ☐ No
8. Is the discharge for a single and complete project?

☐ Yes ☐ No
9. Are all of the applicable NWP General or Regional Conditions satisfied, including mitigation (GC #20), and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

☐ Yes ☐ No

10. Are the wetland/stream crossings aligned and designed to minimize the loss of waters of the U.S.?

☐ Yes ☐ No ☐ NA

20. Does the notification include appropriately sized and located culverts for crossings of waters of the U.S. that meet the requirements of General Conditions 2, 9, and 10.

☐ Yes ☐ No

21. Does the activity accommodate bankfull¹ flows by maintaining the existing bankfull channel cross sectional area? *NOTE: Flows that exceed bankfull flow must be accommodated by placement of additional culverts above the bankfull elevation.*

☐ Yes ☐ No ☐ NA

22. Is there a discharge of dredge or fill material for the construction of stormwater management facilities in perennial streams?

☐ Yes ☐ No

23. Do any activities result in channel relocations?

☐ Yes² ☐ No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER.

SEE THE SEPARATE PCN CHECKLIST TO ENSURE THE PROSPECTIVE PERMITTEE SUBMITS THE REQUISITE INFORMATION.

NOTE: THE PCN MUST INCLUDE A DELINEATION OF SPECIAL AQUATIC SITES AND OTHER WATERS OF THE UNITED STATES. WETLAND DELINEATIONS MUST BE PREPARED IN ACCORDANCE WITH THE CURRENT METHOD REQUIRED BY THE CORPS.

Remember, determination of completeness must be made within 30 days of the date of receipt. If all required information is not provided, the prospective permittee will be notified that the preconstruction notification (PCN) is still incomplete and the review will not commence until all requested information has been received. If the applicant has not received any written notice from the DE within **45 days** of the date of receipt of the PCN, **the verification is issued by default.**

¹ - Bankfull corresponds to the discharge at which channel-forming processes, such as farming or removing bars or meanders, is most effective. It is typically associated with the 1.5-year storm event, the "ordinary high water mark", and the elevation on the stream bank where flooding begins in a stable stream system. It can often be identified in the field by the elevation of the highest depositional

feature (e.g. point bars), a recognizable floodplain, or a break in perennial vegetation.

² - Channel relocations must be limited to man-made drainage ditches.

Reviewed by:

Date: